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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,715	10/12/2001	David S. Allison	16159.098001;P5944	3306
32615	7590	04/19/2006	EXAMINER	
OSHA LIANG L.L.P./SUN 1221 MCKINNEY, SUITE 2800 HOUSTON, TX 77010			ZHEN, LI B	
			ART UNIT	PAPER NUMBER
			2194	
DATE MAILED: 04/19/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,715

Applicant(s)

ALLISON, DAVID S.

Examiner

Li B. Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 are pending in the application.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Specification

3. The applicant recites a co-pending application by its title (p.17, lines 1-2). Please update the information by including U.S. application serial numbers or patent numbers.

Claim Objections

4. Claims 14-22 objected to because of the following informalities: claims 14-22 refer to the computer programs product of claim 11; however, claim 11 recites a method claim. It appears that claims 14-22 should depend from computer program product claim 12 instead. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 12-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 12-22 are directed to non-statutory subject matter. In view of Applicant's disclosure, specification page 25, lines 18-22, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., CD-ROM discs, ROM cards, floppy discs, magnetic tapes, computer hard drives) and intangible embodiments (e.g., carrier waves). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media (e.g., storage media) and not a transmission media or other intangible or non-functional media.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1, 2, 4-7, 12, 13 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,611,498 to Baker et al. [hereinafter referred to as Baker].**

9. As to claim 1, Baker teaches a method for communication to a thread [an invoked message manager runs as a thread in the HTTP service manager 652; col. 16, lines 42-56] in an environment that has built-in streams [col. 15, line 65 – col. 16, line 25] comprising:

associating a first stream with the thread [opening an input stream with the thread; col. 16, lines 42-56];

associating a second stream with the thread [opening an output stream within the thread; col. 16, lines 42-56]; and

executing the thread comprising: using the first stream and the second stream [input and output streams are created by the message manager 656 to receive message data from the client 630 and to reply back to the client 630; col. 15, line 65 – col. 16, line 25].

10. As to claim 2, Baker teaches the built-in streams of the environment are created automatically [Message data is passed to the message manager 656 by opening an input stream and an output stream within the thread; col. 16, lines 43-56].

11. As to claim 4, Baker teaches the thread is assigned the first stream and the second stream upon creation [Message data is passed to the message manager 656 by opening an input stream and an output stream within the thread; col. 16, lines 43-56].

12. As to claim 5, Baker teaches the first stream is an input stream [opening an input stream with the thread; col. 16, lines 42-56].

13. As to claim 6, Baker teaches the second stream is an output stream [opening an output stream within the thread; col. 16, lines 42-56].

14. As to claim 7, Baker teaches the second stream is an error stream when it is not the output stream [col. 7, lines 1-6].

15. As to claims 12, 13 and 15-18 these are product claims that correspond to method claims 1, 2 and 4-7; note the rejections to claims 1, 2 and 4-7 above, which also meet these product claims.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 3, 8-11, 14 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of U.S. Patent No. 5,938,722 to Johnson.

18. As to claim 3, Baker teaches input and output streams [col. 15, line 65 – col. 16, line 25] but does not specify standard streams.

However, Johnson teaches executing threads [col. 3, line 65 – col. 4, line 30] and at least one of the first stream and the second stream is a standard stream [standard input (STDIN) and standard output (STDOUT); col. 8, line 61 - col. 9, line 23].

19. It would have been obvious to a person of ordinary skill in the art at the time of the invention to apply the teaching of standard streams as taught by Johnson to the invention of Baker because this enables input and output requests to be sent to the spawning source machine [col. 9, lines 7-10 of Johnson].

20. As to claim 8, Baker as modified teaches at least one of the first stream and the second stream is used by the thread to read data from a stream operator of the standard stream [col. 8, line 61-col. 9, line 23 of Johnson].

21. As to claim 9, Baker as modified teaches at least one of the first stream and the second stream is used by the thread to write data to a stream operator of the standard stream [writes a single line per response in the form MA.sub.j ; predicate to standard output (STDOUT); col. 7, lines 3-23 of Johnson].

22. As to claim 10, Baker as modified teaches the first stream and the second stream are used by the thread to read data from one or more child threads [After the target machine has spawned the STDOUT and STDIN threads, and the resource validation

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thread, the target machine transmits an output message back to the spawning source machine; col. 9, lines 15-23 of Johnson].

23. As to claim 11, Baker as modified teaches the first stream and the second stream are used by the thread to write data to one or more child threads [request is an output request to the source machine for a spawned program, the source machine retrieves the interface ID from the origination table by handle, at block 217, and routes the output from the remote program; col. 12, lines 51-60 of Johnson].

24. As to claims 14 and 19-22, these are product claims that correspond to method claims 3 and 8-11; note the rejections to claims 3 and 8-11 above, which also meet these product claims.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,098,112 discloses an apparatus for kernel level modules or drivers identifying message processing functions and controlling execution of the message processing functions at the stream head.

U.S. Patent No. 5,848,295 discloses a method for allocating memory for a multiple program structure.

U.S. Patent No. 6,047,323 discloses a distributed STREAMS process on a multicomputer system.

U.S. Patent Application Publication No. 2003/0107587 discloses a platform and browser-independent project tracking tool for tracking projects.

CONTACT INFORMATION

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen
Examiner
Art Unit 2194

lbz


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER